

# Murray City Municipal Council Chambers Murray City, Utah

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 28<sup>th</sup> day of March 2006 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

Krista Dunn,	Council Chair
Pat Griffiths,	Council Member - conducted
Robbie Robertson,	Council Member
Jim Brass,	Council Member
Jeff Dredge,	Council Member

Other who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Frank Nakamura,	City Attorney
Shannon Huff Jacobs,	Council Director
Brent Davidson	Deputy City Recorder
Gil Rodriguez,	Fire Chief
Bob Dunn,	Boys and Girls Club Director
Brandon Horrocks,	Boys and Girls Club
Marlena Griego,	Boys and Girls Club

Ms. Griffiths conducted the meeting.

**A. OPENING CEREMONIES**

1. Pledge of Allegiance

Bill Finch

2. Approval of Minutes

March 7<sup>th</sup> & March 21<sup>st</sup> meeting

Ms. Dunn made a motion to approve with changes.

Mr. Brass 2<sup>nd</sup> the motion.

March 21, 2006 Minutes

Ms. Dunn made a motion to approve with changes.

Mr. Brass 2<sup>nd</sup> the motion.

All ayes.

3. Special Recognition(s)

- a. Consider a Joint Resolution of the Mayor and the Municipal Council of Murray City, Utah recognizing and declaring April 2-April 8, 2006 as *National Boys & Girls Club Week*.

Ms. Griffiths read the resolution.

Mr. Robertson made a motion to approve the Resolution.

Mr. Dredge 2<sup>nd</sup> the motion.

Call Vote Recorded by Mr. Davidson.

**AYE/NAY**

A Ms. Dunn  
A Mr. Dredge  
A Mr. Robertson  
A Mr. Brass  
A Ms. Griffiths

Motion passed 5-0

Mayor Snarr presented the Resolution to Mr. Dunn. Mayor Snarr noted Mr. Dunn is so vital to our Community and what he does for our youth, and helps those who have disadvantages. Mr. Dunn renders a great service to our Community. We are thrilled that he is a part of our community.. We are very proud of the work which is done in our community to make it such a great place for every resident to live and enjoy.

Mr. Dunn thanked the Mayor and the City Council for the help over the years for the Boys and Girls Club. Like Ms. Griffiths said they have served 3400 members, and there are kids that aren't officially members that they serve throughout the community.

Mr. Dunn noted the parking lot at the Club was full tonight with volunteers helping with tax preparations. This year alone they have helped 300 low income families with free tax help.

Mr. Dunn invited everyone to come to the Club anytime, and take a tour.

**Marlene Greigo, 6263 Sunset Links Drive, Murray, UT**

Marlena Griego has been with the Club for 13 years. On Monday the 3<sup>rd</sup> of April, the Club is going to get ready for their Car Wash, which they are having on Thursday, April 6, which will be \$2.00 per car. The proceeds will go to support a family that is unemployed and really needs child care which cannot attend any other programs that are in the schools.

The Boys and Girls Club would like to invite you out to the Car Wash. It may not be the best car wash, but it is only \$2.00.

Brandon Horrocks, Director of Operation, Boys and Girls Club, wanted to thank the Council and Mayor Snarr for all of the support from the citizens of Murray which have been received over the years. They are very excited, this year on a national level, it is our 100<sup>th</sup> Anniversary, for Boys and Girls Clubs of America, and they are very excited to continue to provide services for the next 100 years, not just in Murray which they have done for 40 years, but throughout the nation.

**B. CITIZEN COMMENTS** (Comments are limited to 3 minutes unless otherwise approved by the Council.)

**C. CONSENT AGENDA**

1. Consider confirmation of the Mayor's reappointment of Jonathan Russell to the Board of Adjustment for a term expiring April 2, 2011.

Mr. Robertson made a motion to confirm the Mayor's reappointment of Jonathan Russell.

Mr. Brass 2<sup>nd</sup> the motion.

Call Vote Recorded by Mr. Davidson.

**AYE/NAY**

- A Ms. Dunn
- A Mr. Dredge
- A Mr. Robertson
- A Mr. Brass
- A Ms. Griffiths

Motion passed 5-0

Ms. Griffiths noted Murray City has outstanding volunteers on our Boards and Commissions and the Council appreciates them sharing their talents and expertise with us.

**D. PUBLIC HEARING(S)**

**PUBLIC HEARING #060**

**6:40 p.m.**

**Consider an Ordinance amending  
Section 17.114.130 of the  
Murray City Municipal Code  
relating to Special Allowances for  
Elderly Apartments. (Colson & Colson)**

- a. Staff and sponsor presentations, public comment and discussion  
prior to Council action on the following matter:

**Consider an Ordinance amending Section 17.114.130 of the Murray City  
Municipal Code relating to Special Allowances for Elderly Apartments.  
(Colson & Colson)**

Presentator: Ray Christensen, Planning & Zoning

Mr. Christensen noted the first two Public Hearing are interrelated with the applicant being Colson & Colson.

The current zoning ordinance allows for special exceptions for elderly apartments in the residential zone. Specifically this is R-M-25 zone that it relates to, but the applicant has requested a zone change to C-D or commercial development.

With this text change it would allow some exceptions through 3 areas. (1. parking, (2. density, and (3. building height. Relating to the density of units, currently the ordinance allows .5 units per for efficiency apartments and with the request it would have an equivalency of 025 without kitchens, and would be catered congregate care by arrangement so that they wouldn't have kitchens in each one of the units.

The 2<sup>nd</sup> request relates to off-street parking that would be .5 spaces per units, and the current ordinance requires 1 parking stall per unit. This would be a reduction for the parking.

The 3<sup>rd</sup> request is height for elderly apartments. The requested height is 45', which would be allowed within the zoning amendment, whereas the current zoning allows up to 40'.

Mr. Christensen noted in the R-M-25 zoning code, it will show the existing allowances for the parking, & density. The proposed requests for the changes are noted in the ordinance.

Mr. Christensen said this comes with a positive recommendation of 4-0 from the Planning Commission for the changes.

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### **Dan Roach, Colson & Colson, Holladay Retirement**

Mr. Roach noted, the reason for the various changes in the ordinance is to allow congregate care residence on this site. The concept of the building is for seniors who are in their 80's, and not driving. They are in good health but probably are having some difficulties getting around, so they have come to live with them, more by choice rather than any kind of medical needs.

Mr. Roach continued, this site is an excellent transition between some of the residential to the east and the commercial to the west. They have met with the neighbors, it was very well received, especially the neighbors right on our property line. The Reese's have had a farm for a number of years, they walked the ground with them, talked about a few concerns with irrigation, but basically they are very excited about having Holladay Retirement as a neighbor as we are to them.

## **PUBLIC COMMENT**

### **Bill Finch, 1055 East Chevy Chase Drive, Salt Lake City, UT**

Mr. Finch noted he is a very good friend with Max Reese, and he is not too excited about this. What they are looking at is the height 45'. It should be limited to 40'. Mr. Reese is worried about his irrigation ditch, and worried about where the building will go in 40' height, it should go on the west side of the property. It could be the Northwest corner with required setbacks. They are concerned about the density of 112 units, and the parking, with .5 per unit, 56 spaces. The senior apartments on 13<sup>th</sup> East & 4500 South have a parking problem, they have more cars than they have spaces.

Mr. Finch continued, the City does need Senior Housing. It is an ideal location, and it will serve as a good buffer zone. The only residential is Max Reese's property. Mr. Finch noted when they were in the County they were zoned R-1-10, when they annexed into Murray they were re-zoned R-1-8, and now they are asking for a commercial zone. If they are allowed commercial, they should be allowed a conditional use, as far as office space, parking, set back, landscaping, height and where the property will be located.

Overall they are in favor of the development, they think it is an ideal place for the center.. No one wants to have a home right on 5600 South, close to 9<sup>th</sup> East, especially at rush hour to get in and out of your driveway. There is not too much of a concern with egress and so forth getting in and out of the property, because hopefully the elderly will not be driving. With the Albertsons close and other facilities, hopefully there will be more residence than elderly driving. They do have concerns and they would like the Council to look at that very closely.

Mr. Dredge noted, once they enact this ordinance there will be 45' all across Murray, not just in that spot.

Mr. Roach said, actually the specifics of what they are proposing is basically the further you get back from the property line, at this point what they are proposing is going 45', they need 100' of setback, and the portion of the building they are proposing to 45' is a very small part of a central core of the building. Any site that would want to use this, and it is specific for this use as well. We are talking about not allowing 45' all up and down the road, just if someone wants to do congregate care and if this very specific situation occurs, they need to be 100' from the property line, which is considerable.

Mr. Christensen commented about the height regulations of the underlying R-M-25 has that as a requirement within the first 100' it is 35' for each 4' back it goes up one foot, so that would be the maximum 45'.

Mr. Brass was concerned about the parking.

Mr. Roach noted, considering the nature of the residence, most of them are in their 80's, they are in good health, but they are coming to live with them primarily because they are having difficulty driving. One of the services that is part of their rent, is van service. Any residence that comes to live with them more often than not, does not bring their cars with them, only about 20% may drive.

Mr. Brass asked about the visitation.

Mr. Roach said, the residents are coming from within 10 miles of their residence. Often the families do come to visit their folks, but often they are going off the site. Even with visitations, it has been his experience that .5 .6 parking space per suite is ample to meet their requirements and are not having a problem with that. The traffic that they do generate there is low peak hour traffic. The residents are not coming and going. When all of us are going to work, they are having a meal and socializing.

#### **PUBLIC COMMENTS CLOSED**

#### **PUBLIC HEARING CLOSED**

- b. Council consideration of the above matter to follow Public Hearing.

Ms. Griffiths noted the subparagraph "congregate care facility" means an elderly persons apartment development where private living quarters are combined with centralized dining services, shared living spaces and access to social and recreational activities. Congregate care means any unit within an elderly persons apartment development characterized by congregate care living arrangements. That subparagraph is being added.

Mr. Nakamura noted the concern is the clarification that it is beyond the 100' setback. What needs to be done, and it will answer Mr. Finch's concerns, have the building not exceed 45' beyond the 100' setback to clarify that, and to address Mr. Dredge's concerns also.

Ms. Dunn asked when we adopt the ordinance we will amend it with that statement.

Mr. Nakamura said that is right.

Ms. Griffiths stated on Paragraph 4 it would read "Building height may not exceed 45' beyond 100' setback."

Mr. Brass made a motion to adopt the Ordinance amending Section 17.114.130 of the Murray City Municipal Code relating to Special Allowances for Elderly Apartments, with the change as previously noted not to exceed 100' setback.

Ms. Dunn 2<sup>nd</sup> the motion.

Call Vote Recorded by Mr. Davidson

**AYE/NAY**

A Ms. Dunn  
A Mr. Dredge  
A Mr. Robertson  
A Mr. Brass  
A Ms. Griffiths

Motion passes 5-0

**Public Hearing #0608**

**6:50 p.m.**

**Consider an Ordinance relating to Zoning; amends the General Plan from Multiple-Family Low Density Residential Use to Commercial Development for the properties located at approximately 965 and 971 East 5600 South, Murray, Utah, and for the southern portion of property located at approximately 925 East 5600 South, Murray, Utah, and amends the Zoning Map from R-M-10 to C-D-C for the property located at approximately 965 and 971 East 5600 South, Murray, Utah. (Colson & Colson)**

- a. Staff and sponsor presentations, public comment and discussion prior to Council action on the following matter:

**Consider an Ordinance relating to Zoning; amends the General Plan from Multiple-Family Low Density Residential Use to Commercial Development for the properties located at approximately 965 and 971 East 5600 South, Murray, Utah, and for the southern portion of property located at approximately 925 East 5600 South, Murray, Utah, and amends the Zoning**

**Map from R-M-10 to C-D-C for the property located at approximately 965 and 971 East 5600 South, Murray, Utah. (Colson & Colson)**

Mr. Dredge noted we are really not suppose to consider what is going on the property until the presentations are made, as to whether or not the change in zone is appropriate for a use of that property.

Staff Presentation: Ray Christensen, Planning & Zoning

Mr. Christensen noted this is an application for a General Plan amendment as well as a zoning map amendment which relates the properties at 965 - 971 East 5600 South, that the general amendment plan relates to a change from Residential Multiple-Family Low Density Residential to Commercial Retail and the zone change relates to a change from R-M-10 which is Residential Multiple Family 10 units per acre to C-D-C, which is Commercial Development Conditional.

This went before the Planning Commission, and the Planning Commission gave it favorable recommendation for the General Plan amendment and for the zoning changes with the vote of 4-0.

Ms. Griffiths also noted the Planning Staff recommendation sent forth a positive recommendation, because the request is in harmony with Goal & Policies of the General Plan to provide Special Needs Housing in the City.

**PUBLIC COMMENTS**

**Dan Roach, Colson & Colson, Holladay Retirement**

Mr. Roach noted essentially the reason for the action is to consolidate the two sides into the commercial zone, to allow the retirement center. In times of appropriateness for our retirement residents again at the site, it is an excellent transition from the residential to the commercial, it provides a much needed service in the community. It offers access to City services, and from the site there is excellent visibility.. The most appropriate reason is because of the transitional nature of the site.

**Richard Gomez, 927 East 5650 South, Murray, UT**

Mr. Gomez noted he lives in the residential area south of 5600 South. Mr. Gomez had a concern in terms of the number of stories the building will have, which is being proposed. He does not know what the questions have been about the aesthetics with a building that size right next to a residential area. There are office buildings that may be that tall behind them, but Mr. Gomez is looking at how that is going to impact the residential aesthetics for the community.

Mr. Roach noted a 4-story office building could be built within 35 feet of the property line. What they are proposing is a much less intensive use. The building is 3 & 4 stories. What they are proposing is a building that cascades as it moves toward the residential, it softens and it is very residential in nature. Mr. Roach feels they are a better fit than an office, they are much less intense in terms of use of traffic, less demand on utilities, as they are not having kitchens, they will use about 1/3 amount of water, it will be a very efficient building.

Ms. Griffiths noted this is also in harmony to provide special needs housing in our City.

Mr. Finch noted he is very familiar with Murray City ordinances, but in the County this would not pass the Open Space Requirement or the Setback. This would be the only green space.

Mr. Christensen noted they are dealing with the R-M-25 zone allowing 25' minimum setbacks, the side yards have a total of 20' with 8' as a minimum. The property with buildings can cover 40% of the total site. The proposal that has been submitted hasn't really been analyzed to meet all of the setback requirements and the total coverage, because we are not dealing with a specific building project at this time.

The rear yard setback would have to be 25'. This would have to be analyzed to see if it meets all of the zoning regulations as it goes before the Planning Commission to ensure that it meets all of the standards.

### **PUBLIC COMMENTS CLOSED**

### **PUBLIC HEARING CLOSED**

- b. Council consideration of the above matter to follow Public Hearing.

Ms. Griffiths noted this is relating only to the land use.

Mr. Brass indicated, the only reason we keep bringing that up every time we look at a zone change, is because you never know whether the actual project that is originally proposed is what is going in there. They have to look at anything that could be built under that zone.

Ms. Dunn made a motion that we adopt this Ordinance related to zoning and amending the General Plan from Multiple Family low density residential use to Commercial Development for the properties that have been mentioned.

Mr. Robertson 2<sup>nd</sup> the motion.

Call Vote Recorded by Mr. Davidson

**AYE/NAY**

A Ms. Dunn  
A Mr. Dredge  
A Mr. Robertson  
A Mr. Brass  
A Ms. Griffiths

Motion passes 5-0

**PUBLIC HEARING #0607**  
**Consider an Ordinance relating to Zoning;**  
**amends the Zoning Map for property located**  
**at 5027 - 5075 South Commerce Drive**  
**and 248 West Vine Street, Murray City,**  
**Utah, from M-G-C (Manufacturing General**  
**Conditional District) to C-D-C**  
**(Commercial Development**  
**Conditional District) (Jerry McWillis)**

- a. Staff and sponsor presentations, public comment and discussion prior to Council action on the following matter:

**Consider an Ordinance relating to Zoning; amends the Zoning Map for property located at 5027 - 5075 South Commerce Drive and 248 West Vine Street, Murray City, Utah, from M-G-C (Manufacturing General Conditional District) to C-D-C (Commercial Development Conditional District) (Jerry McWillis)**

Staff Presentation: Ray Christensen, Planning & Zoning

Mr. Christensen noted this application relates to the zoning change for the M-G-C to the C-D-C for properties on Commerce Drive & Vine Street. The property at 248 West Vine Street is where the other property 5027 & 5075 Commerce meet, it is right on the corner of Vine Street. Currently there is a business there which is owned by Jerry McWillis. This went to the Planning Commission and comes with a positive recommendation with a vote of 4-0.

Ms. Griffiths noted the decision tonight is based on the General Plan and other land use considerations.

Mr. Dredge noted with the new hospital being built, it makes sense the change from Manufacturing is something a little more desirable for a mixed use type of development, to clean up that area.

**PUBLIC COMMENT**

None

**PUBLIC HEARING CLOSED**

- b. Council consideration of the above matter to follow Public Hearing

\_\_\_\_\_ Mr. Robertson made a motion to adopt the ordinance.

Mr. Dredge 2<sup>nd</sup> the motion.

Call Vote Recorded by Mr. Davidson

**AYE/NAY**

A Ms. Dunn  
A Mr. Dredge  
A Mr. Robertson  
A Mr. Brass  
A Ms. Griffiths

Motion passes 5-0

**PUBLIC HEARING**

**Consider an Ordinance relating to Zoning;  
amends the General Plan from  
Single-Family Low Density Residential  
to Multiple-Family High Density Residential  
and amends the Zoning Map from  
R-M-15 to R-M-20 for the property  
located at approximately 228 East Vine Street,  
Murray, Utah. (Daniel Morgan.)**

- a. Staff and sponsor presentations, public comment and discussion prior to Council  
action on the following matter:
- \_\_\_\_\_

**Consider an Ordinance relating to Zoning; amends the General Plan from Single-Family Low Density Residential to Multiple-Family High Density Residential and amends the Zoning Map from R-M-15 to R-M-20 for the property located at approximately 228 East Vine Street, Murray, Utah. (Daniel Morgan.)**

Staff Presentator: Ray Christensen, Planning & Zoning

They now have an R-M-15 Zone and are requesting to go to an R-M-20 zone for that property. That would also relate to the General Plan amendment, which currently has this property as Single-Family Low Density Residential, that were based on a review of the adoption of the General Plan. This area has single family residential which ties into the north and that general area was put in as Low Density Single Family. So with any future zoning changes or land use changes, that would go to the low density single family residential. The current property is on the historic registry.

Mr. Christensen continued, the proposed property has preliminarily plans to build a six-plex apartment unit. The existing dwelling, they requested to do an addition with a 2-car garage and some other additions on the property.

Mr. Christensen noted with the presentation to the Planning Commission, it shows a portion of this property going into the roadway which totals .47 of an acre. That would be the elimination of the roadway area, would be about 1/3 of an acre, which, under that type of R-M-15 zoning they could get probably about 4 to 5 units total. With the zone change request, they could increase the number of units. What they would like to do is keep the existing house and put a six-plex on the property with the purpose of trying to changing the zoning.

This went through the Planning Commission meeting and comes with a negative recommendation with a vote of 4-0 to the General Plan.

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**Darlene Morgan, 228 East Vine Street, Murray, UT**

Ms. Morgan is the wife of Daniel Morgan and is representing him. They want to clean up the property. They want to keep the turn of the century house, and update that little property and put a six-plex behind it. They think this would clean up the property and would be a wonderful addition to that area of town.

Ms. Morgan continued, they did not realize that 1/10th of the property was in the middle of the street, until they took it to an Engineer and had the overlay done. This overlay showed 1/10th of the property on Mr. Morgan's deed .47 of an acre is indeed in the middle of the street. It puts the property way back. If they had .47 of an acre as the deed shows and her husband has been paying taxes on for the last

twenty years, they would have no need to be here, because they could go ahead and do that without requesting a zone change.

Ms. Morgan had a presentation but Mr. Christensen covered quite a bit of it, the main purpose again is to keep the little house for the historic district, and to add the same character to the six-plex that they would put behind it.

## **PUBLIC COMMENT**

### **Sharon Bailey, 217 East Vine Street, Murray, UT**

Ms. Bailey noted their concerns with the changing of the zoning are:

1. The integrity of the structure that is presently there;
2. If the zoning is increased, we should do more of the same;
3. High density, trying to put seven dwellings on that property;
4. Creates parking problems.

When you have 14+ cars, it is going to create parking problems on Vine Street, parking at the Park, more traffic problems, more of what they don't want in the area. Changing the zoning on that one piece of property would be unfair to the rest of us, which don't have that zoning. It would then decrease the property value of their property. They don't wish to increase the zoning for their properties, they like having the single family and wish to continue that.

The personality of the area would be greatly impacted by that kind of a building and the neighbors feel it would actually increase the blight in the area.

### **Pete Hoffman, 223 East Vine Street, Murray, UT**

Mr. Hoffman and his wife oppose this zoning change. They do not feel like it meets the area. There is a long-standing history of a noncompliance on the property to begin with, and they are not sure anything that they change would increase that compliance, it would probably make it worse. Our favor is to deny the zoning change, and the City make and comply with the code that it is now.

## **PUBLIC COMMENTS CLOSED**

## **PUBLIC HEARING CLOSED**

- b. Council consideration of the above matter to follow Public Hearing.

Mr. Brass is concerned with the condition of the property. It is currently violating many of our property ordinances, and they need to look into that. The current new General Plan does call for R-1-8 in the future on this property. It is zoned R-M-15, but it is master planned for R-1-8.

Mr. Brass has a real concern changing the zone and he is prepared to make a motion. Mr. Brass made a motion to deny the zone change.

Mr. Dredge 2<sup>nd</sup> the motion.

Call Vote Recorded by Mr. Davidson

**AYE/NAY**

A Ms. Dunn  
A Mr. Dredge  
A Mr. Robertson  
A Mr. Brass  
A Ms. Griffiths

Motion passes 5-0

**E UNFINISHED BUSINESS**

None scheduled.

**F. NEW BUSINESS**

None scheduled.

**G. MAYOR**

1. Report

- ✓ Mayor Snarr and Keith Snarr spent sometime together last week. *Karman Kitchens* is looking at additional land resources. They would need to build a 400,000 square foot expansion of their facilities. When Keith and the Mayor met, they realized there is no more land of that magnitude available in the City, unless they develop some sort of a site plan that allows them to go two-stories. They did suggest they go down along 3<sup>rd</sup> West between 4500 - 4100 South and looked at some properties down there.

*Karman Kitchens* have indicated they would like to stay in Murray. They have done extremely well since Well Born bought them out. The other place is to go north or along California Avenue out in the Industrial Parks out there.

- ✓ In the near future, we should be hearing something from the owners of the property down along Fireclay soon. They are in the process of making a decision whether they will hang onto that property or sell the property.
- ✓ Forest Products have decided to move. They are very wise in their decision and they see that right across the street they have Cachet Towers which could eventually go in and utilization of the land resource has a much greater use as a commercial instead of M-G-C, which they are currently zoned. They have acquired some property by Zebex, which is still in Murray.

To the Mayor, these things are positive things, noting the land values have gone up in Murray.

- ✓ Have not heard back from Fashion Place Mall. They said they would get back with the Mayor no later than the middle of this month. Once the Mayor hears something from them, he will let the Council know.

2. Questions of the Mayor

- ✓ Ms. Griffiths asked the Mayor what is the intended use of the building being constructed at the Oakwood Shopping Center.

The Mayor noted, retail. They will divide it up based on the tenant usage. The original use was for two smaller tenants.

**H. ADJOURNMENT**

Recorded by Brent Davidson, Deputy City Recorder.